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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,192	08/16/2006	Thomas Schlegel	23564	2643
535 7590 07/15/2009 K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900				
EXAMINER				
REGO, DOMINIC E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,192

Applicant(s)

SCHLEGEL ET AL.

Examiner

DOMINIC E. REGO

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This communication is responsive to the application filed on January 14, 2009.
Claims 13-19 are pending and presented for prosecution.
Claims 1-12 have been cancelled and new claims 13-19 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed limitations "determining whether or not the electronics is using the first protocol and, if not, reporting this information" are not found in the specification and nowhere in the specification state "where the information should be reported", so this is non-enabling.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Refer to the limitations "determining whether or not the electronics is using the first protocol and, if not, reporting this information" in page 4. Examiner states that above limitations are not comprehensive to facilitate prosecution of the case. Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch (US Pub. No. 2006/0234781) in view of Homes et al. (US Patent #6,889,065).

Regarding claim 13, Bosch teaches a system for connecting a mobile radio terminal to signal-processing electronics installed in a vehicle (fig 2), the system comprising:

a base (fig. 2, item 30) permanently mounted in the vehicle and connected to the electronics for communication therewith via a first universal protocol (*Fig. 2, a base 30 permanently mounted in the vehicle and connected to the electronics for communication therewith via a first universal protocol 28A and 28B*);

a holder fittable with the base and to which the radio mobile radio terminal can be mechanically and electrically connected, whereby the radio terminal can be releasably mounted on the base via the holder (*Fig. 2, a cell phone 22 releasably mounted on the base 30 via the holder which is mechanically and electrically connected*);

a controller in the holder forming part of a second interface and communicating between the base and the radio terminal in the holder by converting the first universal protocol used by the base into a second terminal-specific protocol used by the radio terminal fittable to the holder (*Fig 2, a controller (obvious) in the holder (on top of base 30) forming part of a second interface and communicating between the base 30 and the radio terminal 22 in the holder by converting the first universal protocol through 28a and 28B used by the base into a second terminal-specific protocol (from base 30 to mobile terminal 22) used by the radio terminal 22 fittable to the holder*), but does not specifically teach an adapter fittable with the base instead of the holder;
and a controller in the adapter forming part of an alternate second interface and communicating between the base and the radio terminal wirelessly by converting the first universal protocol used by the base into a third terminal-specific wireless protocol used by the radio terminal.

However, in related art, Holmes teaches an adapter (*Fig. 2-6, items 200,300,400,500, and 600*) fittable with the base (*Fig. 2-, item 206*) instead of the holder (*Fig. 2-6, adapter 200,300,400,500, and 600 fittable with the base instead of the holder*); and a controller (*fig. 1, items 110 and 112*) in the adapter (*Fig. 1-6, items*

200,300,400,500, and 600) forming part of an alternate second interface (blue tooth) and communicating between the base and the radio terminal wirelessly by converting the first universal protocol used by the base into a third terminal-specific wireless protocol used by the radio terminal (See abstract; Col 2, line 55- Col 3, line 44; Col 4, line 27-Col 8, line 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Holmes to Bosch in order to transmit/receive voices or data to mobile terminal and adapter wirelessly.

Regarding claim 14, as best understood by 112 1st and 2nd, the combination of Bosch and Holmes teach all the claimed element in claim 13. In addition, Bosch teaches the system defined in claim 13, further comprising the step of: determining whether or not the electronics is using the first protocol and, if not, reporting this information (*Col 4, lines 11-43*).

Regarding claim 15, the combination of Bosch and Holmes teach all the claimed element in claim 13. In addition, Holmes teaches the system defined in claim 13 wherein the adapter (*Fig. 2-6, items 200,300,400,500, and 600*) and base (*Fig. 2-, item 206*) have interengaging mechanical and electrical connections and the adapter covers the connections when fitted to the base (See abstract; Col 2, line 55- Col 3, line 10; Col 4, lines 27-31).

Regarding claim 16, the combination of Bosch and Holmes teach all the claimed element in claim 13. In addition, Holmes teaches the system defined in claim 13 wherein the adapter has a display (*Col 4, line 58-Col 5, line 21*).

Regarding claim 17, the combination of Bosch and Holmes teach all the

claimed element in claim 13. In addition, Holmes teaches the system defined in claim 13 wherein the adapter has a keyboard or keypad (Col 4, line 58-Col 5, line 21).

Regarding claim 18, the combination of Bosch and Holmes teach all the claimed element in claim 13. In addition, Holmes teaches the system defined in claim 13 wherein the adapter has at least one input device and at least one output devices for replicating the user interface of the mobile radio terminal with which the adapter communicates using the third protocol (Col 4, line 58-Col 5, line 21; See abstract; Col 2, line 55- Col 3, line 44; Col 4, line 27-Col 8, line 7).

Regarding claim 19, the combination of Bosch and Holmes teach all the claimed element in claim 13. In addition, Holmes teaches the system defined in claim 13 wherein the third protocol is Bluetooth (Fig. 1, item 108; Abstract).

7. Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole,

including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Response to Arguments

8. Applicant's arguments with respect to claims 13-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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